



General Assembly

February Session, 2002

Amendment

LCO No. 4704

HB0552104704HD0

Offered by:

REP. GREEN, 1st Dist.
REP. HYSLOP, 39th Dist.
REP. DIAMANTIS, 79th Dist.
REP. RACZKA, 100th Dist.
REP. REINOSO, 130th Dist.
REP. SPALLONE, 36th Dist.
REP. HAMM, 34th Dist.
REP. CURREY, 10th Dist.
REP. O'CONNOR, 35th Dist.
REP. PAWELKIEWICZ, 49th Dist.
REP. ABRAMS, 83rd Dist.
REP. MURPHY, 81st Dist.

REP. DILLON, 92nd Dist.
REP. GONZALEZ, 3rd Dist.
REP. CARTER, 7th Dist.
REP. SHARKEY, 103rd Dist.
REP. STONE, 9th Dist.
REP. DONOVAN, 84th Dist.
REP. DEMARINIS, 40th Dist.
REP. GERRATANA, 23rd Dist.
REP. CARUSO, 126th Dist.
REP. URBAN, 43rd Dist.
REP. WILLIS, 64th Dist.
REP. WALKER, 93rd Dist.

To: House Bill No. 5521

File No. 408

Cal. No. 246

(As Amended)

"AN ACT CONCERNING SEARCH WARRANTS."

1 Strike section 8 in its entirety and insert the following in lieu thereof:

2 "Sec. 8. (NEW) (*Effective October 1, 2002, and in effect until October 1,*
3 *2004*) (a) Whenever a subpoena is issued pursuant to sections 2 to 13,
4 inclusive, of this act, the prosecuting official shall, not later than forty-
5 eight hours after service of the subpoena, excluding weekends and

6 holidays, give written notice of the issuance of the subpoena to the
7 presiding judge for criminal matters in the courthouse where
8 compliance with the subpoena is required. Such notice shall include
9 the identity of the person and, if the production of property is
10 compelled, a description of the property. Such notice shall be
11 confidential and not subject to disclosure. The failure to give such
12 notice shall not invalidate the subpoena. Such presiding judge shall
13 assign a judge of the Superior Court to preside over the proceeding.
14 The assignment of such judge shall be confidential and not subject to
15 disclosure. The proceeding shall not be open to the public and
16 attendance at the proceeding shall be limited to the judge, the court
17 clerk, a court reporter, judicial marshals, the prosecuting official, the
18 witness and counsel for the witness.

19 (b) Prior to any witness being questioned, the prosecuting official
20 shall advise such person of the following: (1) The purpose of the
21 investigation, (2) whether such person is a target or possible target of
22 the investigation, (3) that such person has the right not to be compelled
23 to give evidence against himself or herself, and (4) that such person
24 has the right to have counsel present and to consult with such counsel
25 and, if such person is indigent, to have counsel appointed to represent
26 him or her. The presiding judge shall assure that such rights are not
27 infringed.

28 (c) A court reporter or assistant court reporter shall make a record of
29 the proceeding. The record of the proceeding shall be sealed and not
30 subject to disclosure, except that any witness who appeared and
31 testified shall be allowed access, at all reasonable times, to the record
32 of such witness' own testimony and shall have the right to receive a
33 copy of the transcript of the record of such testimony."